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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,373	03/15/2001	Raymond L. Kubischta	005217.P020X	7837

33318 7590 06/16/2005

DIGEO, INC.
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EXAMINER

SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,373

Applicant(s)

KUBISCHTA ET AL.

Examiner

Michael R. Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050209.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 11-17, filed 3 February 2005, with respect to the rejection(s) of claim(s) 1-6, 8-12, and 14-37 under 35 USC 102(b) as being anticipated by Nelson (USP 5,710,605) and claims 7 and 13 under 35 USC 103(a) as being unpatentable over Nelson in view of Straub (USP 6,216,141) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Allport (USP 6,097,441), cited by examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 and 14-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Allport (USP 6,097,441), cited by examiner.

The Allport patent number 6,097,441 (hereinafter, the 441 reference) incorporates by reference Allport patent number 6,104,334 (hereinafter, the 334

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reference) and will be partially relief upon for the following rejections (mainly for the specifics of the remote control display and functionality).

Regarding claim 1, the claimed "remote control device for an interactive television system" is met as follows:

- The claimed "display device" is met by display 15 of Remote Control 10 [441 reference, Fig. 1 & col. 6, line 8].
- The claimed "web browser to access a web site including television program schedule information" is met by the parsing software 10 for parsing and displaying HTML Web pages on the remote control display 15 [441 reference, col. 6, lines 49-54]. The claim that the web site includes television program schedule information is met by the 334 reference, wherein Allport discloses a list of programs being browsed and selected based on time, channel, duration, and description [334 reference, col. 6, lines 5-13].
- The claimed "wireless receiver to receive the television program schedule information from the web site for display on the display device using the web browser" is met by the 441 reference, wherein the remote control of Figure 4 receives data streams from base station through RF antenna 280 to create Decoded HTML Data 305 and output that HTML data to the LCD Display 380 [441 reference, col. 9, lines 28-31], using the parsing software 10 (web browser) to display the HTML data [441 reference, col. 6, lines 49-54].

Regarding claim 2, the claimed “device of claim 1, further comprising a processor integrated with the remote control to generate an electronic programming guide from the television program schedule information to display on the display device” is met by the 334 reference, wherein Allport discloses a list of programs being browsed and selected based on time, channel, duration, and description [334 reference, col. 6, lines 5-13]. The claimed processor used in this process is pictured in Figure 18 by element number 605.

Regarding claim 3, the claimed “electronic programming guide comprises at least one indication of a television program” is met by the selection of the desired program as discussed in the 334 reference, column 6, line 10. The further claimed “wireless transmitter integrated with the remote to transmit a control signal to the interactive television system in response to a user selection of a television program from the electronic programming guide” is met by the IR commands to effect the playing of a program selected by the consumer [334 reference, col. 6, lines 2-5].

Regarding claim 4, the claimed “device of claim 3 wherein the control signal is configured to cause a television to display the selected television program” is met by the playing of the program upon selection by the consumer [334 reference, col. 6, lines 2-5].

Regarding claim 5, the claimed “device of claim 1 wherein the interactive television system includes a set top box, the wireless receiver integrated with the remote control capable to receive the television program information from the set top box” is met by the base station unit 75 of the 441 reference. The base station unit 75 serves as a set top box for the interactive television system. The RF antenna 280 of

Figure 4 illustrates the ability to receive data streams from the base station. The remote control 10 needs only to have the capability of receiving and displaying complex data streams [441 reference, col. 9, lines 28-31]. The base station unit downloads the television program information and relays it to the remote control for display and selection by the consumer [334 reference, col. 5, line 50 – col. 6, line 13].

Regarding claim 6, the claimed “device of claim 1, wherein the remote control is coupleable to a network, the remote control capable to receive television program schedule information from the network” is met by the 441 reference, wherein Figure 2 shows the remote control unit 10 coupled to the Internet 95 through base station unit 75. The fact that the remote control receives television program schedule information from the Internet is met by the 334 reference, wherein the remote control can interact with and gather data from the Internet (data including program listings in HTML format) [334 reference, col. 5, lines 50-53].

Regarding claim 7, the claimed “device of claim 6, wherein the network comprises an Internet, and wherein the television program schedule information is received by the remote control from a web site on the Internet” is met by the Internet 95 pictured in Figure 2 of the 441 reference and the ability for the remote control to access new web sites on the internet, in which case the base station 75 would access the data 95 and transmit it to the remote control [441 reference, col. 10, lines 62-65].

Regarding claim 8, the claimed “device of claim 6, wherein the display device comprises part of a computer” is met by the LCD display 380 of the remote control pictured in Figure 4 of the 441 reference.

Regarding claim 9, the claimed “device of claim 6, wherein the remote control further comprises an intermediary unit to transcode the television program schedule information received from the network from one format to another format” is met by the integrated software of the remote control, which is used to correspond program description information with the appropriate IR commands to be sent to the television. Downloaded schedules can be associated (transcoded) with proper IR command sequences using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13].

Regarding claim 10, the claimed “device of claim 9 wherein the intermediary unit is capable to add action control computer code to the television program schedule information, as part of the transcoding from one format to another format” is met by the addition and associated of the IR commands with the program description information. The separately downloaded information (IR Commands) is added to the schedule information during the transcoding phase discussed above using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13]. The IR commands are added to the schedule information so that when a user clicks a program description at the remote control, the remote is able to take action and send the appropriate IR commands to the television.

Regarding claim 11, the claimed “device of claim 10, wherein the remote control includes control buttons, and wherein activation of one of the control buttons activates the action control computer code added to the television program schedule information” is met by the selection of the corresponding function key, button, or other area of the display for carrying out the associated IR commands [334 reference, col. 6, lines 10-13].

Regarding claim 12, the claimed “device of claim 11, wherein activation of the action control computer code triggers generation of a corresponding signal for a control activity, the remote control further including a transmitter integrated therewith to transmit the generated signal” is met by the transmission of the associated IR command to the device being controlled [334 reference, col. 6, lines 2-5].

Regarding claim 14, the claimed “device of claim 9, wherein the intermediary unit is further capable to remove or add information to the television program schedule information received from the network, as part of the transcoding from one format to another format” is met by the addition and associated of the IR commands with the program description information. The separately downloaded information (IR Commands) is added to the schedule information during the transcoding phase discussed above using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13]. The IR commands are added to the schedule information so that when a user clicks a program description at the remote control, the remote is able to take action and send the appropriate IR commands to the television.

Regarding claim 15, the claimed “device of claim 9 wherein the intermediary unit is capable to reformat one of a content, color, text font, layout, organization, or parental control feature of the television program schedule information received from the network, as part of the transcoding from one format to another format” is met by the 441 reference, which makes reference to the same buttons as discussed in the 334 reference in column 6, lines 10-13. The buttons can be used to control the size of text

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data, scrolling of text, or swapping of programs showed on the two displays [441 reference, col. 8, lines 1-4].

Regarding claim 16, the claimed "device of claim 6 further comprising a transceiver unit communicatively coupleable to the remote control, the remote control including a transmitter integrated therewith to send signals to the transceiver unit, the signals corresponding to action controls invoked on the television program schedule information received from the network" is met by the IrDA port 645 [334 reference, Figure 18], which serves to send and receive data [334 reference, col. 27, lines 41-51]. The data that is sent consists of the IR commands for commanding the device being controlled by the consumer based on schedule information [334 reference, col. 6, lines 2-5].

Regarding claim 17, the claimed "device of claim 9, wherein the web browser in the remote control is to display the television program schedule, which is received from the network and transcoded by the intermediary unit, as an electronic program guide on the display device" is met by the parsing software 10 for parsing and displaying HTML Web pages on the remote control display 15 [441 reference, col. 6, lines 49-54] and the integrated software of the remote control, which is used to correspond program description information with the appropriate IR commands to be sent to the television. Downloaded schedules can be associated (transcoded) with proper IR command sequences using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13].

Regarding claim 18, the claimed "apparatus" is met as follows:

- The claimed “remote control for an interactive television system, the remote control including a web browser” is met by the parsing software 10 for parsing and displaying HTML Web pages on the remote control display 15 [441 reference, col. 6, lines 49-54].
- The claimed “intermediary unit integrated with the remote control to receive information sent between the web browser and a network” is met by the integrated software of the remote control, which is used to correspond program description information with the appropriate IR commands to be sent to the television. Downloaded schedules can be associated (transcoded) with proper IR command sequences using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13].
- The claimed “display device integrated with the remote control to display television program schedule information obtainable by the intermediary unit from the network” is met by display 15 of Remote Control 10 [441 reference, Fig. 1 & col. 6, line 8], which serves to display schedule information on the remote control [334 reference, col. 5, lines 59-62].
- The claim that the “intermediary unit capable to modify the obtained television program schedule information to add controls corresponding thereto prior to display of the modified television program schedule information on the display device by the web browser” is met by the addition and associated of the IR commands with the program description information. The separately downloaded information (IR Commands) is

added to the schedule information during the transcoding phase discussed above using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13]. The IR commands are added to the schedule information so that when a user clicks a program description at the remote control, the remote is able to take action and send the appropriate IR commands to the television.

Regarding claim 19, the claimed “apparatus of claim 18, wherein the remote control comprises a computer” is met by the remote control as pictured in Figure 4 of the 441 reference, which has all of the parts necessary to classify it as a computer.

Regarding claim 20, the claimed “apparatus of claim 18, wherein the remote control comprises a wireless device” is met by the remote control as pictures in Figure 4 of the 441 reference, which is a wireless device.

Regarding claim 21, the claimed “control buttons integrated with the remote control, wherein modification of the obtained television program schedule information to add controls corresponding thereto includes transcoding to add action control computer code responsive to the control buttons, wherein activation of one of the control buttons triggers activation of the action control computer code” is met by the selection of the corresponding function key, button, or other area of the display for carrying out the associated IR commands [334 reference, col. 6, lines 10-13].

Regarding claim 22, the claimed “transmitter integrated with the remote control, wherein activation of the action control computer code triggers transmission of a

corresponding signal from the transmitter” is met by the transmission of the associated IR command to the device being controlled [334 reference, col. 6, lines 2-5].

Regarding claim 23, the claimed “apparatus of claim 18, wherein the intermediary unit is further capable to modify a request sent from the web browser to the network” is met by the requests from the remote control to the base station such as channel surfing, swapping displays, and internet browsing [441 reference, col. 10, lines 49-65].

Regarding claim 24, the claimed “system” is met as follows:

- The claimed “set top box for an interactive television system” is met by the base station unit 75 of the 441 reference. The base station unit 75 serves as a set top box for the interactive television system
- The claimed “remote control for the set top box, the remote control including a web browser” is met by the parsing software 10 for parsing and displaying HTML Web pages on the remote control display 15 [441 reference, col. 6, lines 49-54].
- The claimed “intermediary unit coupled between a network and the remote control to receive information sent between the web browser and the network” is met by the integrated software of the remote control, which is used to correspond program description information with the appropriate IR commands to be sent to the television. Downloaded schedules can be associated (transcoded) with proper IR command sequences using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13].

- The claimed “display device integrated with the remote control to display television program schedule information obtainable by the intermediary unit from the network, the intermediary unit capable to modify the obtained television program schedule information to add controls corresponding thereto prior to display of the modified television program schedule information on the display device by the browser, wherein activation of one of the controls added to the television program schedule information is capable to result in transmission of a corresponding signal from the remote control to the set top box” is met by the addition and associated of the IR commands with the program description information. The separately downloaded information (IR Commands) are added to the schedule information during the transcoding phase discussed above using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13]. The IR commands are added to the schedule information so that when a user clicks a program description at the remote control, the remote is able to take action and send the appropriate IR commands to the television.

Regarding claim 25, the claimed “transceiver unit communicatively couple-able between the remote control unit and the set top box, wherein the signal is capable of being transmitted from the remote control to the set top box via the transceiver unit” is met by the IrDA port 645 [334 reference, Figure 18], which serves to send and receive data [334 reference, col. 27, lines 41-51]. The data that is sent consists of the IR

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commands for commanding the device being controlled by the consumer based on schedule information [334 reference, col. 6, lines 2-5].

Regarding claim 26, the claimed “system of claim 24, wherein activation of another one of the controls is capable to result in transmission of another signal from the remote control to a device different from the set top box” is met by the mention of the ability to control multiple devices with the one remote [334 reference, col. 6, line 3].

Regarding claim 27, the claimed “system of claim 24, wherein modification of the obtained television program schedule information include use of a transcoding technique by the intermediary unit to add action control computer code to the schedule information” is met by the addition and associated of the IR commands with the program description information. The separately downloaded information (IR Commands) is added to the schedule information during the transcoding phase discussed above using the integrated software [334 reference, col. 5, line 50 – col. 6, line 13]. The IR commands are added to the schedule information so that when a user clicks a program description at the remote control, the remote is able to take action and send the appropriate IR commands to the television.

Regarding method claimed 28-33 and article of manufacture claims 34-37, see the above rejections where steps are accomplished using the above-mentioned devices.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (USP 6,097,441), cited by examiner.

Regarding claim 13, the Allport reference teaches all of that which is discussed above with regards to claim 10. The Allport reference further teaches, "television program schedule information comprises part of a hypertext markup language (HTML) page" in column 6, lines 49-54 of the 441 reference. Allport further discloses the action control computer code as discussed above with reference to column 5, line 50 – column 6, line 13 of the 334 reference. Allport does not, however, expressly disclose that this action control computer code comprises JavaScript. The examiner takes Official Notice that it is notoriously well known in the art to use JavaScript as a way to execute control computer code. JavaScript is very frequently integrated into HTML web sites and is used as a means of accomplishing computer tasks. The use of JavaScript as the control computer code would have been obvious to one of ordinary skill in the art at the time of the invention in order to utilize a frequently used programming language that is easily integrated into HTML documents and can be used to accomplished often difficult tasks.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

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Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
June 8, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
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